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Polish candidates – filling the recruitment gap in Funds

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The Funds industry in Ireland is going through a huge growth phase. Nobody expected there would be such a demand for experienced staff. There are currently over 500 live vacancies in Funds with a very small pool of candidates to choose from. The majority of companies urgently require staff at all levels for their Dublin and regional centres. For the Funds industry to continue to grow and be seen as a world leader in the 3rd Party Fund Administration business, it needs to attract experienced staff from overseas. Sourcing experienced candidates based in Ireland is the preferred choice of fund companies; however it is now necessary for companies to think outside the box when it comes to finding solutions to the shortage of funds staff in the market.

Why Polish Candidates?

Poland is an excellent sourcing ground for candidates for the Irish Funds industry. I have outlined below the main reasons why, I believe, Ireland now looks to Poland for staff:

- Member of the EU, so no problem with work permits
- Highly educated workforce with a good/fluient level of English and other languages
- Eager to travel and gain experience
- Affinity with & proximity to Ireland
- Positive experience by Irish employers of Polish candidates
- Relevant experience to work in the Funds industry

Since 1989, and after 50 years of the communist regime, the Polish have been very focused on rebuilding their economy. They are currently developing Warsaw as the financial centre of Central & Eastern Europe. Some of the top multinational companies have operations in Poland including Citigroup, ING, HSBC, Intel, GE, TNT and Electrolux. However, Poland has a population of 38m people and an unemployment rate of 18% so they have a long way to go to full employment.

Similar to Ireland, when we experienced up to 20% unemployment in the 70's & 80's, we focused on getting the best education possible so we could use this as a ticket to securing employment overseas. This trend is apparent in Poland as they have invested heavily in education and have a highly educated workforce with excellent business universities throughout the country. With a high unemployment rate, Poland is now experiencing a significant "brain drain" as their most educated go overseas to work and gain experience. Ireland has one of the strongest economies in Europe and with this in mind it is the location of choice for over 160,000 Polish candidates.

Recruiting Polish Candidates

Polish candidates are being hired for Administrator and Senior Administrator roles in Fund Accounting and Transfer Agency by Funds companies based in Ireland. The majority of Polish candidates moving to Ireland have at least 2 years' work experience. Some have very relevant Funds or back office processing experience but for the most part, Polish candidates have strong Accounts Payable/Receivable experience having worked in subsidiaries of large multinationals.

In Ireland, Polish candidates are securing salaries anywhere from €22k - €32k. Employers should take note that Polish candidates are very well informed of their worth in the market. Companies that offer salaries at the lower end of the scale often lose candidates to companies who pay them more money. Standard benefit packages are offered also.

If you are hiring Polish candidates from Poland, you will have to pay some type of relocation package. Most companies favour giving candidates a set amount i.e. €1600 to assist them with the move to Ireland. The relocation covers a flight to Ireland, initial accommodation and money towards a deposit on an apartment or house. This money is reimbursed once receipts are submitted, usually in the first month's pay package. Funds companies that have hired a significant number of Polish candidates say that having an Induction Plan for Polish candidates definitely helped their new hires settling into the company and into Ireland.

The IFSC Panel - Managing your recruitment drive in Poland

The IFSC Panel set up a Polish Desk in August and hired a Polish consultant Monika Baran to focus on attracting Polish candidates from Poland and those based in Ireland for Fund Accounting, Shareholder Services, Accounts Payable/Receivable and Accounting roles. Monika has an excellent network of candidates in Poland and in Ireland and has a thorough understanding of the education system and local Polish market. Monika is working closely with our key Funds clients to fill their recruitment needs and educate clients on hiring Polish candidates.

Having been in Poland and managed recruitment drives for key clients, The IFSC Panel understand how to successfully drive this initiative from an advertising, pre-screening and recruitment perspective, resulting in a significant number of hires for clients. If you are interested in hiring Polish candidates and would like to discuss this recruitment initiative further, please contact me on: 01 661 4772 or email anne@thepanel.com or monika@thepanel.com



Part 2: Neil O'Brien encourages us to consider team-worth over team-work

In the last edition of this newsletter I discussed the impact that perception has on behaviour and the challenges this brings with motivating people. I then ended the piece with my belief that as leaders and managers of people it is no longer our role to motivate people. But it is everyone's role to create an environment within a team or group where people motivate themselves more easily and more often. I would now like to develop this point and illustrate my concept of 'Team-Worth' as opposed to team-work.

Highs and Lows

To deal with 'worth' on a team level you must first address it on an individual level. So we will start with the 'self' and then look at how 'self' transforms into 'team'. Self-worth is the quality of the relationship you have with yourself today; in fact, right now. Then, depending on how you deal with all that today will bring, it is likely that this relationship can change from hour to hour, from moment to moment, from client to client and from high to low and back again! Before I deal with the highs and lows let me emphasise the point that the relationship we have with ourselves today will determine the quality of the relationships we have with others, with business and with life. This is not group therapy time... this is vital to the future success and happiness of you, your business, its clients and employees.

2/10

To illustrate how all this works I'm going to use a scale of 0 to 10; 0 being low self-worth and 10 being high self-worth. It should be noted that low and high are both normal and natural and nobody is doing anything wrong. Also, there is no such thing as a 2/10 person but rather there is 2/10 behaviour, attitude and mindset. So let's start with what it's like to be at 2/10. When you and I are 'low' we are fed up, pessimistic and tired. We don't see how we are making a difference to anything or anyone. We allow people to mistreat and take advantage of us. We lose our structure, our routine and our good habits. We sell ourselves short and we settle for less. We lower our standards, suffer a loss of discipline and guess what... we allow others around us to do the same! Why? Because now we have the mindset of 'It'll do... what's the point?... it wouldn't work anyway...' All of this is natural and human but for many people it has become their 'default position' or their 'comfort zone' and they retreat to this at the first sign of threat, change or competition.

10/10

When you and I are at 10/10 we are a joy to be around! We are a genuine presence of inspiration, encouragement, energy and success. Our perception of what's possible is now completely different than when we were at 2. We have great habits and routines. Our discipline is so good that it does not even feel like discipline. We expect and demand a lot from ourselves and from others. We don't settle for 'It'll do', now it's - 'it won't do, we can do better!' We are more resilient in the face of constant and rapid change. We feel strong and our presence encourages others to be strong too. At 2/10 we discuss morale because motivation is a problem; at 10/10 we discuss spirit because inspiration is no problem. At 10/10 our immune system works really well. Not just from a health point of view (which is also true by the way) but I also mean our immune system to rubbish is working well, it bounces off us, we don't let it get to us or grind us down. And I'm afraid that when we are at 2/10 we are the rubbish! So I guess the issue now is: how does someone get from 2 to 10 if they want to? Well before I get into that there is one other vital piece of information to consider first.

Radiation and Attraction

Earlier I mentioned that our relationship with ourselves will also determine our relationship with others and with life. Well now I can put numbers on this. When you and I are at 2 we seem to be a magnet for other people who are at 2. So 2's attract 2's! In fact, they need to because as they both hate the organisation they both agree and support each other, so, 2's associate with 2's, they go on lunch together and they spend the lunch break hating their organisation but loving each other! Also, when you and I are at 2 we attract opportunities and customers but I'm afraid that they are only 2/10 opportunities and customers. You don't attract a 10/10 opportunity when you are having a 2/10 day, they go elsewhere that day! And likewise, when we are radiating at a level of 10/10 we attract people, opportunities and customers that are also at 10. Genuinely confident people love the company and love dealing with other genuinely confident people. However we need another 10/10 person because not only will they encourage and support us but they will challenge us to go even higher. It is this competitive edge in the relationship that's missing when we're both low.

Two choices

So now we get to what can we do about all of this? Well you've got two choices: a survival choice or a success choice. The survival choice is one I encounter in my travels when I look at the Relationship Intelligence of an organisation. This choice is taken by people managers who, rather than do something about their own level of self-worth they go about pulling everyone else down to their level. This makes perfect sense when you are in survival mode but is a toxic relationship for everyone else. So let's look at the success choice: this is where you decide to take some action. The action I'm looking for is something that you probably know you should have done by now. The excuse you're giving yourself is that you've been too busy lately to do it. Well now's the time for this, in other words, I want you to do something today that you know having done it, it will make you feel better about yourself afterwards. If it's worth doing and you feel better having done it then in that moment your self-worth has risen, now we're getting somewhere! Of course you should then tap into that increase in confidence and energy and do something else that's slightly more challenging; we're looking to re-create some discipline that you've lost lately. You see, we are now in the area of mental fitness and you need a plan and a routine to become even fitter. Self-worth is driven, maintained and increased by consistent action. It is through our actions that we convince ourselves that we are worthwhile and valuable human beings.

The Greater Good

Finally, I believe that what we do for ourselves we do for others. By this I mean the transformation that occurs naturally when each person takes responsibility for their own motivation and behaviours and where they take consistent disciplined actions that are good for themselves, their team and their customers. In this way self-worth naturally becomes team-worth, group-worth and company-worth and in this sense everyone, regardless of age, grade or rank, has a responsibility and a role to play.



Neil O'Brien
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“We are sourcing Polish candidates from Poland and Ireland for Fund Accounting and Financial Reporting roles.”



Monika Baran
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Fund Accountant

Reference: MB 1
Location: City Centre
Expectation: €35,000
Availability: 1 month - Relocating from Poland

This candidate has a Masters Degree in Banking and they finished postgraduate studies in Company Value Management at the top Economics University in Poland - Warsaw School of Economics. They have 2 years' experience as a fund accountant, 3 years' experienced as a Chief Fund Accountant and 4 years' experience as a Main Specialist in the Asset Valuation Department. They are now looking to move to Ireland and to get experience in Irish market.

Senior Internal Auditor

Reference: MB 2
Location: City Centre
Expectation: €55,000
Availability: 1 month - Relocating from Poland

This candidate has a Masters Degree in Economics and is a State Auditor in Poland, which gives them the authority to undertake audits independently and sign off on them. They were awarded this status by the Polish Chamber of Authorised Auditors after sitting 10 exams. This candidate has 5 years' experience as an Audit Director and 3 years' experience as a Financial Manager. They are looking for an interesting opportunity to progress in their career in Ireland.

Financial Analyst

Reference: MB 3
Location: City Centre
Expectation: €28,000
Availability: Immediate - based in Dublin

The candidate has Masters Degree from one of the best Economics Universities in Poland - Katowice University of Economics. They have 2 years' experience in financial analysis. The candidate is intelligent, ambitious and professional. They have just relocated to Ireland and are keen to develop their career in Ireland.



Anne Keys
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Recruitment at the senior/executive level in Funds is still very busy as we approach the end of 2006. Most of the executive roles have been filled so the focus is sourcing candidates for Head of Function roles and the level below i.e. Director/Senior Manager positions. There is still a lack of candidates at all levels; however, we are currently working with a number of high-calibre senior operations candidates who are keen to secure a new position before the end of the year. For employers who secure staff in Q4, be prepared to pay guaranteed or sign-on bonuses to compensate candidates for walking away from their year-end bonus. The majority of candidates will actively look for roles now but won't be prepared to hand in their notice until their bonus is paid early next year.

In Q3 and so far in Q4, we have seen an increase in the number of companies willing to take on experienced funds staff on a consultancy/contract basis and pay them daily rates. These candidates have opted to go the consultancy route, which offers more flexibility, rather than take up a full time role. We have recently placed a number of consultants who are working on SAS70, client management and temporary Head of Function roles. If you're interested in discussing the consulting recruitment market, please contact me on 01 6030888.

Senior Manager, Fund Accounting

Reference: AK 1
Location: IFSC
Expectation: Min €115,000
Availability: 2-3 months

With over 10 years' experience in funds and with 4 years' experience at a senior level in Fund Accounting, this candidate has managed teams of up to 30 staff covering complex hedge and mutual funds valuations. This candidate has strong client relationship management skills with a proven track record of presenting to clients and selling the capabilities of their division. This candidate is looking for a Director role or equivalent in Fund Accounting or Product.

Head of Finance – Banking/Funds

Reference: AK 2
Location: City Centre/South Dublin
Expectation: €120,000 - €130,000
Availability: Immediate

Experienced ACA with over 10 years' in Financial Services, with 5 years' at FD level.

Working for a Global organisation, this candidate established the budgeting process which focused on delivering financial targets. They also oversaw the consolidation of accounts to head office and they were key in working with the business to implement client profitability, product reporting and cost allocation. They sat on the senior management team and contributed to the strategic direction of the organisation.

“Alternative roles within funds remain plentiful and popular with candidates this quarter.”



Maeve O'Meara
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Alternative roles within funds remain plentiful and popular with candidates this quarter. Candidates with backgrounds in roles such as Project Management and Client Relationship Management are highly sought after by clients. However, as in the last quarter, operations candidates with experience in such areas are also being placed in these roles and feedback on the whole has been excellent.

As may be expected for quarter 4 there has been a slight downturn in the number of active candidates on the market. As quality candidates are never abundant in the current market climate we advise clients that it is even more important to act quickly once they have a suitable CV to avoid disappointment. If interviews are going well many of our clients now carry out a second interview straight away to speed up the process.

Business Analyst/Project Manager

Reference: MM 1
 Location: City Centre
 Expectation: €75,000 & benefits
 Availability: 1 month

This candidate has over 6 years' experience as a Business Analyst and in the past two years' has had responsibility for the completion of major projects within Financial Services. Their current project is involved in implementing a new system. Duties include liaising between the business and analysts to design the system, process testing, implementation and training of staff. This candidate has supervised teams of up to seven people and worked independently on projects. They are studying 6 Sigma, the project management framework, as well as being a member of the Project Management Institute (PMI) and the institute of Business Analysis and Consulting.

Business Analyst/Project Manager

Reference: MM 2
 Location: City Centre
 Expectation: €52,000 + & benefits
 Availability: Immediate

Prior to travelling, this candidate worked as a Business Infrastructure & Control Project Manager, their responsibilities were varied and included managing project roll outs and outcomes, delivering KPI's and keeping relevant documentation up to date. Audit and procedures were a particular focus as was new IT project management. Prior to this, in their role as a Relationship Manager, they managed between 3 and 6 people. They built up and maintained effective working relationships with Investment Managers while keeping in line with all compliance regulations. Having just returned from travelling this candidate is available immediately and eager to interview for challenging roles with definite career progression.



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The surprising activity of Quarter 3 in terms of candidate movement has left us hopeful in the run up to Christmas. At present, candidates are either hoping to secure and begin a new role before the Christmas period or are putting their search on hold until the New Year. Either way it is important to note that some candidates tend to focus on the company profile even more so than the role itself, as the working environment is an extremely important factor to them. Candidates often tend to focus on market impression and opinion of particular companies and this influences their decision on whether they would like to work with these companies. Therefore it is extremely important for organisations to do what they can to ensure they have a favourable reputation in an increasingly competitive market.

Another trend has been an increase in roles in the Trustee and Compliance which means candidates with this experience are much sought after and are in short supply. We advise companies to 'look outside the box' at other related experience to help fill these roles.

Account Manager, Hedge Funds

Reference: DA 1
 Location: City Centre
 Expectation: €55,000- €60,000
 Availability: Immediate

This is a strong candidate with over 4 years' experience in a Hedge Funds environment. As an account manager they have gained good managerial experience and have dealt with complex hedge funds with securities such as bonds, futures, forwards, CFD's as well as preparation of financial statements. They are ACCA qualified. They are looking for a challenging role within a smaller Hedge Funds company.

Shareholder Services

Reference: DA 2
 Location: City Centre
 Expectation: €60,000
 Availability: 1 month

This candidate has almost 7 years' experience in the Shareholder Services area. The majority of their experience has been in the Mutual Funds area but they now have over 1 years' Hedge Funds experience and are looking for a new and challenging role within Hedge Funds. This candidate deals with about 3 clients and 20 funds and addresses any operational issues on these funds and manages the client relationship.

“...we expect average salary increases in the order of 6%-8% for the whole of 2006.”



Alan Bluett
Banking Manager
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The number of senior vacancies within the banking industry remains high and continues to grow at a steady pace. This level of activity is due to a combination of ongoing growth within existing companies and the entry of a number of new banking and IFSC based financial institutions. The strong demand continues for staff in two main areas. Firstly, senior relationship managers with a track record of lending within corporate Ireland. Candidates with existing established relationships command a premium within this area. Secondly, senior operational staff within both credit and risk, with a particular focus on the market-risk side.

So far this year there has been a steady but gentle increase in salary levels across the board and we expect average salary increases in the order of 6%-8% for the whole of 2006. We also think that the year will prove to be a good one with bonus indications at this stage hovering just above those seen in 2005. If you're interested in discussing salary levels within the market, please contact me on 01 6377086.



Carissa Jackson
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The banking sector has seen a lot of activity over the first 3 quarters of 2006 and looks to remain like this into the New Year. Recently, there have been a number of corporate treasury analyst and treasury administration opportunities in the market, so consequently we currently have a strong pool of candidates in this area. We also have a number of individuals actively looking to change their career direction. These individuals have strong academic and financial services experience in client servicing roles and want to move into lending, credit or portfolio positions in banking. Within middle office there continues to be a need for credit risk and analytical candidates, those moving in

these areas are seeing a competitive increase in their base salaries and packages due to demand in the market.

Overall, quality back & middle-office candidates will continue to be sought after and are interviewing widely. It is important that clients stress the career progression opportunities and/or workload variety to attract and retain individuals with relevant experience.

Senior Relationship Manager Corporate Banking

Reference: AB 1
Location: IFSC
Expectation: Min €150,000
Availability: 2-3 months

Graduate in business with a Masters in Investments & Treasury, with 20 years' experience within the banking industry in Ireland, both with domestic players and international entities. As a senior member of the banking team this candidate was involved in relationship management, structured credit sales (credit derivatives, securitised products and structured credit products) and ongoing general management. In their current role they have responsibility for a core portfolio of large institutional clients.

Finance Lending Manager

Reference: CJ 1
Location: City Centre
Expectation: €47,000 + package
Availability: 1 month

This candidate is a graduate with strong account and relationship-management skills which they gained working in a target driven financial services environment. With a strong understanding of regulatory and compliance issues facing the corporate market with finance applications, this candidate is actively looking for a client-facing role in the banking industry where they can build on their current skill set.

Senior Quant Analyst – Banking/Funds

Reference: AB 2
Location: City Centre
Expectation: €90,000
Availability: 1 month

Primary degree in Mathematics and a Masters in IT. Over 10 years within the fund management industry combining experience within analysis, system programming and quant research. Strong programming and technical skills combined with extensive front office experience.

Risk Analyst

Reference: CJ 2
Location: City Centre
Expectation: €42,000 + package
Availability: 1 month

This candidate is in the process of completing an MA in Finance. They also have 2 ½ years' experience and a strong understanding of structured finance, treasury and portfolio management. With strong client management skills and good analytical skills they are actively seeking to further their career and use their academic skills in a market-orientated risk role.

“There has been a continued demand for qualified accountants, in particular at the newly qualified and 2-3 pqe level within Financial Services.”



Caroline Hogan
Consultant
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There has been a continued demand for qualified accountants, in particular at the newly qualified and 2-3 pqe level within Financial Services. As there is a shortage of candidates at this level we have taken a proactive approach to attract candidates. The IFSC Panel works closely with ACCA Ireland and regularly mailshots affiliates and members regarding opportunities in the market. We are always open to clients being involved in this form of marketing by adding their logo along with a brief job description of any vacancies they are finding hard to fill. We also have a monthly e-zine that we send to all candidates registered on our database. Again this is open to clients who want to include a specific role(s) along with their logo. In Quarter 3/4 we ran a number of advertising campaigns in The Irish Times on behalf our clients. This form of advertising has proven very successful. It attracts passive job seekers and increases the chances of getting the best candidate for your role. We manage the advert design, pass on preferential advertising rates and applicants are exclusive to that client.

If you would like further information on any of the above advertising options or are interested in The IFSC Panel running an advertising campaign on your behalf please call me on 01 6377096 or email caroline@thepanel.com.

Finance Manager – Insurance

Reference: CH 1
Location: City Centre
Expectation: €80,000
Availability: 1 month's notice

Strong qualified accountant with over 4 years' accounting experience within Financial Services. In their current role they are responsible for overseeing the preparation of monthly management accounts and financial reports, financial analysis, group reporting and forecasts and budgets. They have strong IFRS implementation and project experience. They are looking for a challenging Finance Manager role within Financial Services.

Senior Project Accountant

Reference: CH 2
Location: City Centre, South Side
Expectation: €75,000
Availability: 1 month

Qualified accountant with 5 years' pqe in both a financial services and industry environment. This candidate has strong finance project management experience, from SOX implementation and more recently the development and implementation of the finance function for a financial services company. They also worked at Financial Controller level having responsibility for managing the finance team and function for a leading Insurance company. This candidate is looking to secure a varied Project Accountant role within a Financial Services company.



Keelan McGowan
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Assistant Accountant

Reference: KMG 1
Location: Dublin
Expectation: €36,000 plus study support
Availability: Immediate

This candidate has worked mainly in the construction and services sectors. They have prepared month-end and year-end accounts, and have exposure to payroll also. They are part-qualified CIMA, and have working knowledge of Sage accounts and Take 5, and good MS Excel.

Assistant Management Accountant

Reference: KMG 2
Location: City Centre
Expectation: €35,000 plus study support
Available: 1 month

This candidate is now at final stages of the ACCA exams. They have gained broad exposure in accounts, including preparing accounts to trial balance, management reports, sales analysis and they also have exposure to standard costing. They have a very high level of IT literacy, and have used a number of systems, including Great Plains.

Assistant Accountant/Analyst

Reference: KMG 3
Location: City Centre
Expectation: €36,000
Available: 2 months

This candidate has worked within both industry and practice in an accounting capacity. They have an excellent knowledge of accounts preparation, and have also worked with US GAAP, and SOX compliance issues. Systems knowledge includes Sage accounts, ROS and SAP.

The Panel Launches a New IT Division

The Panel is proud to announce the launch of **The IT Panel**, a new division of the company specialising in the recruitment of IT professionals across all the major categories including Software Development, Systems Analysis, IT/Project Management, Telecommunications, Technical Support, QA/Technical Writing and ERP consultancy on both a permanent and contract basis.

The IT Panel is headed up by Fergal Keys. Prior to joining **The IT Panel**, Fergal held a number of senior positions within the networks and telecommunications sector in BA Systems & GE Capital Woodchester. Fergal also ran his own system integration telecoms company providing services to telecom companies in the Cable, TV and Wireless markets both nationally and internationally.

The IT Panel will offer the same high standards of recruitment service you've come to expect from The Panel Group.

Give Fergal a call on (01) 637 7060 or email fergalk@thepanel.com if we can be of help with any of your recruitment needs.



Fergal Keys and Paul McArdle



THE IT PANEL

CPD Presentation Skills Course with Carr Communications...



Eoghan McDermott, Senior Consultant with Carr Communications



Eamon Shortall, Barrister, Allison Watson, The Legal Panel, and John Lynch, Whitney Moore Solicitors



Damien Carroll, McInerney Saunders and Sarah Kelly, The Legal Panel

The Panel recently held a very successful CPD course for accountants and solicitors with the help of Eoghan McDermot of Carr Communications. The topic of the night was Presentation Skills and over 35 people attended. We would like to extend our gratitude to Eoghan.

Upcoming Events at The Panel:

The Panel will be running another CPD Course in conjunction with Carr Communications in January 2007. We will be covering the topic of Time Management. If you are interested in attending the course please contact Allison Watson on 01 6377 012 or allison@thepanel.com

THANK YOU!

The Panel would like to extend our sincere thanks to all of our clients for their business in 2006. We look forward to working with you in 2007 and wish you all a very enjoyable festive season!

Jacqueline Kelly of A & L Goodbody examines the topic of workplace discrimination



Jacqueline Kelly
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Advertising and age discrimination

Age discrimination is the hot topic of the moment amongst employment lawyers in England. That's because age discrimination as an employment ground has only recently been introduced there. It has been part of the Irish legislation since 1998. It has not created quite the stir that say race and sex discrimination claims have done. That is partly because of the composition of the workforce. It is young and there are plenty of jobs to go around. As the workforce ages, age discrimination will probably more come to the fore.

The landmark decision in relation to advertising for vacancies is the Ryanair case. This was the case in which Ryanair advertised for a young dynamic professional. The Equality Authority took exception to this advert on the grounds that it indicated an intention on the part of Ryanair to discriminate on the age ground, contrary to the employment equality legislation and referred the matter on to the Director of Equality Investigations. In the end Ryanair was ordered to pay c.€12,000 as compensation for the effects of the discrimination. What made the publishing industry sit up was the suggestion by the Equality Officer that the Equality Authority should not only consider pursuing the advertiser but should also go against the newspapers, by using its powers to seek an injunction against both the publisher and employer to prevent the advert being published in the first place. This cautionary remark to the publishing industry to introduce appropriate equality proofing mechanisms or risk being enjoined, has had an impact and these days it is relatively hard to find adverts as blatantly ageist as the Ryanair case.

The Equality Authority now have their sights set on adverts that say things like "not more than 2 years' post qualification experience required" or "not less than 10 years post qualification experience required". This wording is especially popular in adverts for accountants and solicitors. Earlier this year the Equality Authority wrote to the editor of the Law Society Gazette complaining that such adverts, published in its magazine, indicated an intention to discriminate on the age ground. As a result of this approach the Law Society Gazette has said that it will no longer publish such adverts. The argument goes that the requirement that no more than 2 years' post qualification experience is required be included in an advert excludes people with more than two years' pqe. These people would generally tend to be older than newly qualified solicitors. There have been a number of cases when job applicants have applied for jobs and been refused on the basis that they are over qualified. In many cases this is an employer's way of saying "too old for the job". With the Law Society having taken the plunge it is quite likely that other publications will follow suit and adverts looking for "newly qualified solicitors" or "accountants with no more than 2 years post-qualification experience" will go the way of "young and dynamic".

Other protection against age discrimination

Since 2004 the automatic upper age limit of 66 years has been removed from the unfair dismissals legislation. This means that if the employer does not fix a retirement age (i.e. include a retirement age in the contract of employment) then the employee continues to have the protection of the unfair dismissals legislation above and beyond the age of 66, as well as protection under the equality legislation. An employer is entitled to fix a compulsory retirement age for that employment or for a particular class or description of employees in their employment and that in itself does not amount to age discrimination. To avoid getting caught out by the unfair dismissals legislation it is important that employers include a retirement age in an employee's contract of employment.

References and race discrimination

A decision of the Equality Authority that has grabbed the headlines over recent months is the case of Czerski v Ice Group. This was a case in which the claimant alleged that she was discriminated against by Ice Group, a recruitment agency, on grounds of race in relation to access to employment. Ice Group imposed a requirement that applicants provide two employment related references. In this case the claimant was only able to provide one work related reference in relation to her Irish employment from 2000 to the date of the interview in August 2001. The claimant could not furnish a second reference as she was at home raising her family between 1986 and 2000 and, prior to that, she was employed in Poland. In this case the Equality Officer concluded that the absolute insistence by Ice Group that the claimant furnish two employment related references constituted less favourable treatment on the grounds of race and amounted to indirect discrimination on the race ground. The Equality Officer ordered the respondent to pay the claimant €7,000 by way of compensation for the distress suffered by her as a result of the discrimination.

There is nothing in this decision to indicate the basis upon which the Equality Officer decided that the insistence on two references by a prospective employer operates to the disadvantage of a non-Irish national as compared to an Irish national. The Equality Officer does not appear to have relied on any statistical evidence and one wonders what is the basis of this assertion. Why for instance is it more difficult, given the world-wide availability of e-mail and internet access, for an English, American or Polish person to obtain a second work reference than it is for an Irish person?

In order for such a decision to have any credibility one would expect at a minimum that the Equality Officer insist on some empirical evidence rather than assume that it is easier for Irish people to get employment references than it is for non-Irish and expect everyone else to accept this assumption on its face value without any supporting evidence. It is just too simplistic. Be that as it may, this is the most recent authority and employers therefore are forced to take note of it; subject to the decision being overturned or qualified or explained in some way.

The views in this article are not intended to constitute legal advice or be exhaustive. Specific advice should always be sought in individual situations.